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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,596	06/13/2002	Dean Anthony Miles	1054-751-198-1516	6453
29074	7590	05/18/2005	EXAMINER	
VISTEON C/O BRINKS HOFER GILSON & LIONE PO BOX 10395 CHICAGO, IL 60610			BATTAGLIA, MICHAEL V	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/030,596	Applicant(s) MILES ET AL.	
	Examiner Michael V Battaglia	Art Unit 2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2 and 12 is/are rejected.
7) ☒ Claim(s) 3-8 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>18 April 2002</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election without traverse of the species of Fig. 4 in the reply filed on January 28, 2005 is acknowledged. Claims 9-11 are withdrawn from consideration.

Drawings

2. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by Examiner, Applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

5. Claims 1 and 3 are objected to because of the following informalities.

- a. On line 7 of claim 1, replacing "characterised" with --characterized-- is suggested.
- b. On line 3 of claim 3, replacing "can focus" with --focuses-- is suggested.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Enari et al (hereafter Enari) (US 5,010,534).

In regard to claim 1, Enari discloses an optical media system (Fig. 4) comprising: an optical pickup (Fig. 4, element 16) for reading from and/or writing to an optical storage medium (Figs. 1 and 4, element 1), the optical pickup having one or more sources of light (Fig. 4, element 11), an objective lens (Fig. 4, element 14), a focus and/or tracking actuator (Fig. 4, elements 21, 28 and the not shown element(s) driven by 23 and 24 (Col. 3, lines 55-59)) for moving the lens to focus and/or track the light on the optical medium and mechanical limits to limit the focus and/or tracking movement of the lens (the focus and/or tracking actuator of Fig. 4 is a mechanical device and inherently has mechanical limits to limit the focus and/or tracking movement of the lens because the actuator can not move the lens infinitely in focusing and/or tracking direction); and an actuator controller (Fig. 4, elements 23-27) for controlling the actuator and hence the focus and/or tracking position of the lens, characterized in that the

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actuator controller actively controls the lens position when the optical pickup is not being used with the optical medium (Abstract and Fig. 1, element 5).

In regard to claim to 2, Enari discloses that the optical pickup is moved to a park position away from the optical medium when not used with such an optical medium (Abstract and Fig. 1, element 5).

In regard to claim 12, Enari discloses that the optical media system is mounted in a vehicle (Fig. 4) and wherein the actuator controller actively controls the focus and/or tracking position of the lens when the vehicle is moving (Col. 3, lines 53-65). It is noted that the movement of the vehicle is relative to the optical medium and that the device of Fig. 4 is a vehicle because it transports or moves the optical media system relative to the optical medium.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki et al (hereafter Masaki) (US 5,796,697) in view of Mogamiya (US 5,243,591).

In regard to claim 1, Masaki discloses an optical media system (Fig. 1) comprising: an optical pickup (Fig. 1, element 28) for reading from and/or writing to an optical storage medium (Fig. 1, element 10), the optical pickup having one or more sources of light (Col. 6, lines 26 and 56-57), an objective lens (Col. 6, lines 64-65), a focus and/or tracking actuator (Fig. 1, element

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30 and the actuator(s) inherently necessary to elements 42 and 44 of Fig. 1 to control focusing and tracking (Col. 6, lines 57-61 and 63-65)) for moving the lens to focus and/or track the light on the optical medium and mechanical limits to limit the focus and/or tracking movement of the lens (the focus and/or tracking actuator of Fig. 1 is a mechanical device and inherently has mechanical limits to limit the focus and/or tracking movement of the lens because the actuator can not move the lens infinitely in focusing and/or tracking direction); and an actuator controller (Fig. 1, elements 38, 42 and 44) for controlling the actuator and hence the focus and/or tracking position of the lens. Masaki does not disclose that the actuator controller actively controls the lens position when the optical pickup is not being used with the optical medium.

Mogamiya discloses an optical media system (Fig. 1 and Col. 4, lines 1-4) comprising: a pickup (Figs. 1-5, element 22) and an optical medium (Col. 4, line 4), characterized in that the position of the pickup is actively controlled when the pickup is not being used with the optical medium (Col. 3, lines 8-15 and Col. 4, line 52-Col. 5, line 35). Mogamiya teaches that the pickup is actively controlled when the pickup is not being used with the optical medium to prevent the pickup from being damaged by contact with the medium or smeared with dust or dirt (Col. 3, lines 8-15 and Col. 5, lines 30-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the actuator controller of Masaki to actively controls the optical pickup of Masaki (and therefore lens position) when the optical pickup is not being used with the optical medium as suggested by Mogamiya, the motivation being to prevent the pickup from being damaged by contact with the medium or smeared with dust or dirt.

In regard to claim to 2, Mogamiya discloses that the optical pickup is moved to a park position away from the optical medium when not used with such an optical medium (Col. 3, lines 8-15 and Col. 5, lines 26-43).

Citation of Relevant Prior Art

8. Einhaus (US 4,766,586) discloses disk system having a pickup and a mechanical limits that limit the movement of the pickup wherein the position of the pickup is actively controlled to an inoperative position (Abstract). Tsuboi (US 4,885,733) discloses a parking position for an optical pickup (Col. 2). Hachiya et al (US 6,341,051) disclose a rest position for an actuator the outermost circumferential portion of the disk (Col. 2).

Allowable Subject Matter

9. Claims 3-8 would be allowable if rewritten to overcome the objection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. In regard to claim 3, none of the references of record alone or in combination suggest or fairly teach the optical media system including all the limitations of claims 1 and 2 and in which the system includes a focus object at the park position so that the actuator controller focuses the light on the focus object when the optical pickup is not being used with the optical medium in order to hold the lens position within the mechanical limits.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V Battaglia whose telephone number is (703) 305-4534. The examiner can normally be reached on 5-4/9 Plan with 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Battaglia



BRIAN MILLER
PRINCIPAL EXAMINER